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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,875	03/19/2001	Bruce Albert Yeazell	6805C	1033

27752 7590 10/02/2002
THE PROCTER & GAMBLE COMPANY
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EXAMINER

LU, JIPING

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,875

Applicant(s)

YEAZELL, BRUCE ALBERT

Examiner

Jiping Lu

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/19/01 & 6/25/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: in the specification and claims, the disclosed and claimed dimensions in English system does not equal the dimensions in metric system. For example, 250 square inches do not equal 1500 square cm. 1000 square inches do not equal 6500 square cm. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claimed dimensions are misdescriptive because the claimed 250 square inches do not equal 1500 square cm. 1000 square inches do not equal 6500 square cm.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 11-19, 21 and 23-24 rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (U. S. Pat. 5,238,587).

Smith et al. show a dry cleaning system for dry cleaning fabrics comprising a heating vessel (dryer) for containing the fabrics and a carrier sheet comprises liquid cleaning/refreshment composition same as claimed. Smith et al. also disclose a method for dry cleaning fabrics same as claimed. (see col. 2, lines 3-12, lines 51-59 and claims).

5. Claims 11-19 and 23-24 rejected under 35 U.S.C. 102(e) as being anticipated by Weller et al. (U. S. Pat. 5,876,462).

Weller et al. show a dry cleaning system for dry cleaning fabrics comprising a heating vessel (dryer) for containing the fabrics and a carrier sheet comprises liquid cleaning/refreshment composition same as claimed. Weller et al. also disclose a method for dry cleaning fabrics same as claimed. (see col. 2, lines 3-12, lines 51-59 and claims).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U. S. Pat. 5,238,587) in view of You et al. (U. S. Pat. 5,789,368).

The dry cleaning system and method of Smith et al. as above includes all that is recited in claims 20,22 except for material of the Absorbent Stain Receiver Articles and the pre-treating composition. You et al. teach a concept of using TBAL or FAB as Absorbent Stain Receiver Articles and pre-treating the fabrics with pre-treating composition comprises butoxy propoxy propanol same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the dry cleaning system and method of Smith et al. to use TBAL or FAB as Absorbent Stain Receiver Articles and to use the pre-treating composition comprises butoxy propoxy propanol for pre-treating the fabrics as taught by You et al. in order to improve the cleaning quality. Moreover, it is well known in the dry cleaning art to use the claimed material as Absorbent Stain Receiver Articles and pre-heating Composition.

8. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weller et al. (U. S. Pat. 5,876,462) in view of You et al. (U. S. Pat. 5,789,368).

The dry cleaning system and method of Weller et al. as above includes all that is recited in claims 20-22 except for the material of the Absorbent Stain Receiver Articles and the pre-treating composition. You et al. teach a concept of using TBAL or FAB as Absorbent Stain Receiver Articles and pre-treating the fabrics with pre-treating composition comprises butoxy propoxy propanol same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the dry cleaning system and

method of Weller et al. to use TBAL or FAB as Absorbent Stain Receiver Articles and to use the pre-treating composition comprises butoxy propoxy propanol for pre-treating the fabrics as taught by You et al. in order to improve the cleaning quality. Moreover, it is well known in the dry cleaning art to use the claimed material as Absorbent Stain Receiver Articles and pre-heating Composition.

9. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U. S. Pat. 5,238,587) or Weller et al. (U. S. Pat. 5,876,462).

The dry cleaning system and method of Smith et al. or Weller et al. as above includes all that is recited in claim 25 except for the surface area of the carrier sheet. It would have been an obvious matter of design choice to design the carrier sheet of Smith et al. or Weller et al. with any desired surface area in order to obtain the optimum result since applicant has not disclosed that the claimed surface area solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appear that the claimed feature does not distinguish the invention over similar features in the prior art since, the dry cleaning system and method of Smith et al. or Weller et al. will perform the invention as claimed by the applicant with the carrier sheet having any kind of the surface area.

Double Patenting

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

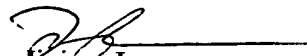
11. Claims 11-25 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,243,969. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claim a dry cleaning system and method comprising heating vessel, one or more carrier sheet with liquid cleaning/refreshment composition, Absorbent Stain Receiver Articles and pre-treating composition.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 703-308-2354. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703 308-1935. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308-7764 for regular communications and 703 308-7764 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.
September 28, 2002